



DRAFT MEETING MINUTES
BOARD OF SUPERVISORS, COUNTY OF MONO
STATE OF CALIFORNIA

Regular Meetings: The
First, Second, and
Third Tuesday of each
month. Location of
meeting is specified at
far right.

Regular Meeting

MEETING LOCATION
County Courthouse,
Bridgeport, CA 93517

December 11, 2012

Flash Drive	#1014
Minute Orders	M12-263 to M12-273
Resolutions	R12-86 to R12-91
Ordinance	Ord12-04 OR Ord12-05

9:01 AM Meeting Called to Order by Chairwoman Bauer.

Supervisors Present: Bauer, Hansen, Hazard, Hunt and Johnston.
Supervisors absent: None.

Pledge of Allegiance led by Supervisor Hansen.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Benny Romero:

- Addressed outgoing board members and continuing board members; goals made and goals yet to be accomplished.
- Thanked all the board members.
- Supervisors also thanked Benny for all the various work he's done for the county and Bridgeport.

Closed Session: 9:07 a.m.

Break: 10:25 a.m.

Reconvene: 10:30 a.m.

Break: 10:34 a.m.

Reconvene: 10:37 a.m.

Lunch: 11:49 a.m.

Reconvene: 1:07 p.m.

Break: 3:48 p.m.

Reconvene: 3:55 p.m.

Adjourn: 5:13 p.m.

CLOSED SESSION

John Vallejo:

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- Allen Berrey had requested to work across the county on standard industrial minerals; asked board to waive conflict with board. The board decided to not waive his conflict of interest.

BOARD OF SUPERVISORS

- 1a) Closed Session - CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to subdivision (b) of Government Code section 54956.9. Number of potential cases: one.
- 1b) Closed Session - Potential Litigation - CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Initiation of litigation pursuant to subdivision (c) of Government Code section 54956.9. Number of potential cases: one.
- 1c) Closed Session--Human Resources - CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Marshall Rudolph, Brian Muir, and Jim Arkens. Employee Organization(s): Mono County Sheriff's Officers Association (aka Deputy Sheriff's Association), Local 39--majority representative of Mono County Public Employees (MCPE) and Deputy Probation Officers Unit (DPOU), Mono County Paramedic Rescue Association (PARA), Mono County Public Safety Officers Association (PSO), and Mono County Sheriff Department's Management Association (SO Mgmt). Unrepresented employees: All.
- 1d) Closed Session--Public Employment - PUBLIC EMPLOYMENT. Government Code section 54957. Title: EMS Manager.
- 1e) Conference with Legal Counsel - CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to subdivision (b) of Government Code section 54956.9. Number of potential cases: one. Facts and circumstances: Claim for damages presented by Inland Aquaculture Group.
- 1f) Conference with Legal Counsel - CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to subdivision (b) of Government Code section 54956.9. Number of potential cases: one. Facts and circumstances: dispute regarding Conway Ranch grant compliance.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one spoke.

2) APPROVAL OF MINUTES

- M12-264 Action:** Approve minutes of the Regular Meeting held on November 20, 2012.

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Hunt moved; Johnston seconded

Vote: 5 yes; 0 no

3)

BOARD MEMBER REPORTS

Supervisor Bauer:

- Wednesday Agenda Review and all day Red Cross Training with Supervisor Hansen.

Supervisor Hansen:

- Last Wednesday, attended all day Red Cross training.
- Last Thursday: Antelope Valley RPAC. Few new members, interesting how things change.
- Attended Fundraiser in Walker on Saturday; had nice dinner.
- LTC yesterday with Supervisors Hazard and Johnston.
- Thanked Supervisors Hazard and Bauer for all their efforts and their expertise in certain areas.

Supervisor Hazard:

- 12/4 – to Sacramento for final RCRC meeting; important to attend since it was the election of officers. Brief discussion of issues discussed and potential issues moving forward.
- Visited with AT&T after RCRC meeting.
- Yesterday attended LTC meeting.

Supervisor Hunt:

- Thanked outgoing Supervisors for all their service.
- 12/5 – video conference of town council meeting. Maybe we need to reconsider streaming of meetings in the future.
- He's been attending a lot of Christmas parties including Christmas tree lighting.
- Skiing is great in Mammoth; snow and conditions are great.

Supervisor Johnston:

- 12/5 - Town Council meeting via video conference.
- Attended LTC meeting; quarterly reports from different entities.
- Last night – Mammoth Lakes Housing meeting.
- Christmas Tree lighting and Christmas potluck at Social Services.

COUNTY ADMINISTRATIVE OFFICE

4)

CAO Report regarding Board Assignments (Jim Arkens)

ACTION: Receive brief oral report by County Administrative Officer (CAO) regarding his activities.

Jim Arkens:

- Attended CALPELRA conference last week in Monterey; discussion on pension and health care reform.
- HR issues.
- Preliminary meetings with Finance Department to make sure transition with Brian leaving go smoothly.

DEPARTMENT REPORTS/EMERGING ISSUES

Tom Perry:

- Prescriptive Designs update – now in plan review process.
- Going to be soliciting bids for rooftop designs.
- Supervisor Hunt: come back sometime in January with further updates.
- Supervisor Johnston: How are you informing the Contractor's Association? He

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thinks it's important that the public know how the county is trying to simplify things. (He plans to attend public meetings and do press.)

Lynda Roberts:

- Appointments to Special Districts update: next week there are a couple more to deal with. She did publish notices in paper; she wanted to make sure board knew there were still openings in case they had anyone to recommend.
- Supervisor Johnston: asked for an email list.

Garrett Higerd:

- Aspen Road Culver project mostly complete aside from short punch list. It's ready for flood flows and whatever winter throws our way.
- Just completed 8 acres of re-vegetation work down at Lee Vining Airport. Road Department needs to be acknowledged for their assistance as well as inmates from the jail.
- Supervisor Johnston noted in the minutes thank you to Road Department and others for all their work on this project.
- Supervisor Hansen: thanked him and his staff personally for all his work.

Brian Muir:

- His office in the process of implementing positive pay for county and school district – it helps to prevent fraud. It creates an electronic list of all checks and then a matching can take place.

CONSENT AGENDA

(All matters on the consent agenda are to be approved on one motion unless a board member requests separate action on a specific item.)

PROBATION

- 5a) Evidence Based Probation Supervision Recovery Act Program Grant - Seek approval to modify the Evidence Based Probation Supervision Recovery Act Program grant by extending it through March 31, 2013.

M12-265 Action: Approve the modification and authorize the Chair of the Board of Supervisors to sign the California Emergency Management Agency Grant Award Amendment #4.

Hunt moved; Hansen seconded

Vote: 5 yes; 0 no

COUNTY COUNSEL

- 6a) Ordinance amending County Code re public use of Conway Ranch - Proposed ordinance amending sections 13.40.010 and 13.40.020 of the Mono County Code, pertaining to public use of Conway Ranch.

ORD12-04 Action: Adopt proposed Ordinance No. ORD12-04, amending sections 13.40.010 and 13.40.020 of the Mono County Code, pertaining to public use of Conway Ranch.

Hansen moved; Hazard seconded

4 yes; 1 no: Johnston

Pulled from agenda for discussion.

Supervisor Johnston:

- He implores Board to reconsider. Camping, target shooting; need to come to

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some resolution on potential liability regarding snowmobiling.

- Intention was to allow hunting, not camping and target shooting.
- Section 4, item 6 – how about a word change? Not sure how we can “worry” a fish? We should reword.
- You could have a dozen people camped there in a circle with motorcycles and then you wouldn’t be able to prevent target shooting or campfires, etc.

Supervisor Hansen:

- Reminded Supervisor Johnston about what the ordinance excludes.
- If camping creates a problem, minor changes can be made.
- Wants this ordinance passed. If there are problems, changes could be made at a later time.

Supervisor Bauer:

- Agrees with Supervisor Hansen.

Supervisor Hazard:

- Agrees with Supervisor Hansen.

Supervisor Hunt:

- Agrees with Supervisor Hansen.

Marshall Rudolph:

- Some wording is just wording carried over. “worrying” animals = just basically not bothering them.

COMMUNITY DEVELOPMENT - PLANNING DIVISION

7a) Appointment of Bridgeport Valley Regional Planning Advisory Committee Members - Appoint one new member to the Bridgeport Valley Regional Planning Advisory Committee.

M12-266 **Action:** Appoint Barry Beck to the Bridgeport Valley Regional Planning Advisory Committee (BVRPAC), with a term expiring January 2015, as requested by Supervisor Tim Hansen and recommended by current BVRPAC members.

Hazard moved; Hunt seconded

Vote: 4 yes; 1 no: Johnston

Pulled from agenda for discussion.

Supervisor Johnston:

- Still concerned about county staff being appointed to RPACS.
- With the way it works now, there is no reason why Scott Burns couldn’t be appointed to an RPAC.
- The rub: the staff is the staff to the RPACS; if you are a staff member you should staff the RPACS not be a board member.
- This is something he disagrees with. The number of staff should be limited. These should be citizens (not staff) advisory committees.
- He would like a workshop.
- This has nothing to do with the individual being recommended, he just sees it as a conflict.

Supervisor Hansen:

- Larry doesn’t have an RPAC; this is a living changing thing.
- This is only an advisory committee where members are recommended by the group itself.
- We desperately need the membership.

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Supervisor Hunt:

- Working for the county should not limit your ability to act as a citizen in your community.

Supervisor Hazard:

- If you have openings and both county staff and outside individuals apply you should look at the finer points; but he really doesn't have any issues with this.
- In a county this size there aren't issues. He's supportive of this appointment.

Supervisor Bauer:

- She agrees with Supervisor Hazard.

Scott Burns:

- Barry was previously on the RPAC; he's with the Assessor's office.
- Perhaps we should have another workshop on the RPACS and functions, terms, etc?

COUNTY COUNSEL

Additional Departments: Sheriff, CAO, Finance

- 8a) Approval of Contract with CDCR - Proposed contract with California Department of Corrections and Rehabilitation (CDCR) pertaining to housing of inmates with serious medical conditions.

M12-267 **Action:** Approve County entry into proposed contract with California Department of Corrections and Rehabilitation (CDCR) and authorize Jim Arkens to execute said contract on behalf of the County.

Hazard moved; Hunt seconded

Vote: 5 yes; 0 no

Pulled from agenda for discussion.

John Vallejo:

- Gave explanation of item.
- Explained reason and purposed for entering into this budget.
- This was run through county counsel, finance and the Sheriff's Department.

Supervisor Hazard:

- AB 109 horror story: Colusa County received an inmate back to their jail; the cost was horrendous.
- This issue and agreement goes back about 4 years.
- Need to go forward with this and get agreement in place.

- 8b) Approve Wheeler Crest Fire Protection District Conflict of Interest Code - On November 21, 2012, the Wheeler Crest Fire Protection District Board of Directors passed Resolution No. R12-0002 to approve and adopt, subject to the approval of the Mono County Board of Supervisors, a 2012 version of its Conflict of Interest Code pursuant to the Political Reform Act, which requires public agencies to conduct a biennial review, and if necessary an update, of its conflict of interest code. The Wheeler Crest Fire Protection District's new Conflict of Interest Code is now being brought before the code-reviewing body, which is the Mono County Board of Supervisors, for approval.

M12-268 **Action:** Approve the new Conflict of Interest Code adopted by the

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Wheeler Crest Fire Protection District on November 21, 2012, and direct the Clerk to notify the District of the Board's action (attention Al Carson).

Hunt moved; Hansen seconded

Vote: 5 yes; 0 no

CLERK OF THE BOARD

- 9a) Renewal of Appointments to the Mono County Child Care Council - Renewal of appointment of Dyanna Hernandez to the Mono County Child Care Council which is due to expire on December 31, 2012. Supervisor Johnston is sponsoring this item.

M12-269 Action: Reappoint Dyanna Hernandez to the Mono County Child Care Council for two more years. Her term will expire on December 31, 2014.

Hunt moved; Hansen seconded

Vote: 5 yes; 0 no

FINANCE

- 10a) CalPERS Healthcare Coverage - Proposed resolutions to clean-up CalPERS medical coverage for all employees including the Superior Court.

R12-86 Action: Approve and Authorize the Chairman's signature on three (3)
R12-87 proposed resolutions, numbers R12-86, R12-87 and R12-88, electing to be
R12-88 subject to Public Employees' Medical and Hospital Care Act only with respect to members of a specific employee organization and fixing the employer's contribution at an amount at or greater than that prescribed by Government Code section 22892(b)(1).

Hunt moved; Hansen seconded

Vote: 5 yes; 0 no

- 10b) Surplus Fixed Assets - Consider declaring following fixed assets surplus:
Xerox Copier Model CC32C Serial Number KMM011462
Xerox Copier Model WCP40C Serial Number KMM011918
Xerox Copier Model WCP265C Serial Number UTU906611
Xerox Copier Model C-55 Serial Number NWL021946
Xerox Copier Model DC430 Serial Number UHG026623

M12-270 Action: Declare the five copiers surplus and authorize disposal.

Hunt moved; Hansen seconded

Vote: 5 yes; 0 no

REGULAR AGENDA

CORRESPONDENCE RECEIVED (INFORMATIONAL)

All items listed are available for review and are located in the Office of the Clerk of the Board

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CLERK OF THE BOARD

- 11a) No Correspondence -

SHERIFF CORONER

- 12a) Appointment of Undersheriff Ralph Obenberger to Fill the Unexpired Term of Sheriff-Coroner Richard Scholl (Sheriff Richard C. Scholl) - Sheriff Richard C. Scholl has decided to retire from his elected position as Sheriff-Coroner of Mono County effective December 20, 2012. The unexpired term continues until December 2014. It is imperative that the County have a person in place as the Sheriff-Coroner to perform all mandated functions and responsibilities as required in the Government Code.

M12-263 Action: Appoint Undersheriff Ralph Obenberger to fill the remaining unexpired term of Sheriff-Coroner upon the current Sheriff's retirement to be effective at 5:00 p.m. on December 20, 2012.

Hazard moved; Hunt seconded

Vote: 5 yes 0 no

Items #12a and 12b taken at 10:30 a.m. prior to consent agenda.

Sheriff Scholl:

- His retirement is effective on 12/20 at 5:00 p.m. Undersheriff Obenberger would take over as Sheriff at 5:01 p.m on 12/20/12.

- 12b) Swearing In of Newly Appointed Sheriff-Coroner, Ralph Obenberger (Judge Eller and Ralph Obenberger) - Swearing in of newly appointed Sheriff-Coroner Ralph Obenberger. Judge Stan Eller will administer the oath of office.

Action: None.

Judge Eller:

- Administered oath of office to Ralph Obenberger for Sheriff-Coroner.

Ellen Obenberger:

- Introduced Ralph's family and friends that came to the swearing in ceremony.

BOARD OF SUPERVISORS

- 13a) Recognition of Out-going Board Members (Byng Hunt, Vice Chair) - Acknowledge the out-going Board Members and recognize their years of service.

Action: None.

Supervisor Hunt:

- Presented the outgoing board members (Bauer, Hansen and Hazard) with resolutions.
- Presented outgoing Chair Bauer with a plaque for her service.
- Tim Alpers gave Supervisor Bauer his thanks and a small token.

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- Each outgoing Supervisor spoke a few words.

FINANCE

Additional Departments: Administration, County Counsel

- 14a) New Level of Retirement Benefits – 3.0% @ 55 Full Formula Second Tier for Sheriff Safety Members (Brian Muir) - Proposed ordinance authorizing an amendment to contract between the Board of Supervisors Mono County and Board of Administration California Public Employees Retirement System. Provide any desired direction to staff.

ORD12-05 Action: Adopt proposed ordinance #ORD12-05, authorizing an amendment to contract between the Board of Supervisors Mono County and Board of Administration California Public Employees Retirement System. Provide any desired direction to staff.

Johnston moved; Hazard seconded

Vote: 5 yes; 0 no

Brian Muir:

- Normally this would be on consent but PERS is very particular about how they do this.
- This is approval of an ordinance already produced.

SOCIAL SERVICES

Additional Departments: HR

- 15a) Approval to fill Vacant Program Manager position with Social Worker Supervisor II and backfill any vacancy created by such (Julie M. Tiede) - Request for approval for the Department of Social Services to under fill the vacant Program Manager position with a Social Worker Supervisor II. Additionally to allow the Department of Social Services to back fill any vacancy created by the filling of such position with a Social Worker I/II.

M12-271 Action: Approve the Department of Social Services to under fill the vacant Program Manager position with a Social Worker Supervisor II. Additionally allow the Department of Social Services to fill any vacancy created through an internal recruitment of a Social Worker Supervisor II with a Social Worker I/II.

Hazard moved; Hansen seconded

Vote: 5 yes; 0 no

Julie Tiede:

- Requesting two separate things; both positions are budgeted for.
- Discussed fiscal impact.
- Looking to promote within her department.

LUNCH

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OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD.

No one spoke.

PUBLIC WORKS - SOLID WASTE DIVISION

- 16a) Solid Waste Fees--Public Hearing (Tony Dublino) - Public hearing regarding increase of Solid Waste gate fees.

M12-272 **Action:** Approve alternative B1, as presented, but without forgiveness of
R12-89 the loan. Approve proposed resolution, #R12-89, increasing certain gate fees for County Solid Waste Facility Services.

Johnston moved; Hazard seconded

Vote: 4 yes; 1 no: Hansen

Tony Dublino:

Brief Power Point presentation – Balancing the Solid Waste Enterprise Fund:

- Why are we here?
- Revenues vs. Expenses.
- Impact of Alternatives and Expense Reduction.
- Outreach and Comments.
- Revenue-side Alternatives.
 - A1 – Targeted Fee Increase
 - A2 - Targeted Fee Increase with larger increases.
 - B1 – Targeted Fee Increase and “Transportation Surcharge” (recommended by Tony as staff recommendation: 8% vs. 10% increase)
 - B2 – Targeted Fee Increase and “Transportation Surcharge” with larger increases.
 - C1 – Across the board 15% Solid Waste Increase
 - C2 – Across the board 25% Solid Waste Increase
- Expense Reduction Toolbox.
- Solid Waste Task Force Recommendation.
- Reduction of Expenses for this Fiscal Year.
- Non-ordinary Expenses for FY 12/13.
- What does the Future Hold?
- Staff Recommendation: Alternative B (forgiveness of GF loans and B1) or No forgiveness and B2.
- Potential Impact to Gate Fee Minimums.
- Potential Impact to Transfer Station Customers.
- Cost to Landfill Customers.
- Cost to Residential Pickup Customers.
- Other Jurisdictions as of December 6, 2012.
- Discussion, Direction and Resolution.

Additional Comments:

- Increase in parcel fee would require a 2/3 vote for everyone in the county.
- Benton Crossing Landfill’s life expectancy could be expanded past 2023.
- DWP’s standard policy on land ownership.
- Technically not a subsidy, these are monies that have to be paid through the Solid Enterprise Waste fund.

Supervisor Johnston:

- Not on board with the forgiveness of the loan.
- Life expectancy of Benton Crossing Landfill – how much longer can it remain

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open?

- Why does DWP want to hang on to so much garbage?

Supervisor Bauer:

- Loan forgiveness not between two parties; same people.
- Asked question about organic waste.
- Would we have noticed this deficit sooner if the fund were different?
- Asked about roll off fees.

Supervisor Hansen:

- Brought up equipment issue.

Supervisor Hunt:

- How serious is the pursuit of this parcel fee increase?

Supervisor Hazard:

- Generally, not in favor of forgiving this loan.
- Waiting for more information on rest of the issues.
- It's not equal dollars, it is what the money can represent.

Public Hearing Open: 2:03 p.m.

PUBLIC COMMENTS

Jeff Hansen:

- We're trying to raise revenues to make this program work.
- The state has destroyed his business literally; equipment replacement discussion.
- State regulations are a huge issue.

Kevin Brown (D&S Waste Removal):

- This county needs to be out of the garbage business.
- Tony Dublino has been a breath of fresh air; his suggestions now are to just get us where we need to be to move forward.
- Transfer station is required when tonnage gets large.
- Two haulers work pretty well together; the problems now are just the start. They need the county's blessing and understanding from everyone about how all this works.
- Had to replace equipment – up to close to \$2 million in equipment. Will need to replace again within 5 years.
- After January 1st, work will be done to find a solution and it's going to cost money unfortunately.
- He's going to lose people; he doesn't see this going away.
- He thinks county's best option down the road is a long haul.
- Looking at 25-30 years for new landfill.

Supervisor Hansen:

- How long until D&S Equipment becomes obsolete?

Supervisor Johnston:

- The farther we go extending our own landfill usage the better as far as expenses?

Public Hearing Closed: 2:19 p.m.

Supervisor Hunt:

- We need to do something at this point to keep this going.
- He has reservations on loan forgiveness.
- We need to move towards fee increase.

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Supervisor Hansen:

- Has brought this up to RPACS, all the citizens don't want their services cut. It's already bare bones.
- He doesn't think it's right to have the loan forgiven; it is not the public's responsibility.
- He doesn't want to vote for a fee increase now; he would challenge this.
- The best thing to do is to get out from under this.

Supervisor Johnston:

- He doesn't want to raise taxes; he doesn't think the increase in parcel fees is a good idea in light of this.
- Everyone wants frugal and efficient government – if this fund were a private business, what would they do? They would have to raise revenues or go out of business.
- He's in favor of something like \$74/ton. We cannot expect to not revisit this issue.
- We weren't on top of it; we need to work on it and keep things current. He's in favor of B1, but not forgiving the loan.

Supervisor Hazard:

- This isn't a loan, it's a system we struggled with for months. It was a bail out for ourselves. We've done this with other areas in the county as well.
- He supports continuing paying back the money.
- Cumulatively what we are doing to our citizens is driving them into early graves – by raising fees.
- He doesn't like any of the alternatives in front of us; putting it off is only going to put us in a worse position. He's opposed to B1 but will support it.
- We are not addressing the long term issues; this has to be a priority as new board goes forward.

Supervisor Bauer:

- She and Byng were the only ones 2 ½ years ago that wanted to raise the rates; we need to be responsible, sometimes making unpopular decisions.
- She's ready to make a tough decision now as well.
- She supports what Tony recommends.

COMMUNITY DEVELOPMENT - PLANNING DIVISION

- 17a) Public Hearing: General Plan Amendment 12-04, Transient Rental Overlay District & Transient Rental Standards and Enforcement & Accessory Dwelling Units (Brent Calloway, Nick Criss) - Public hearing and consideration of proposed General Plan Amendment allowing for the creation in the future of transient rental overlay districts; providing uniform standards and permit requirements for transient rentals within overlay districts; implementing enhanced enforcement for unpermitted rentals outside overlay districts; and restricting the size of accessory dwelling units on parcels less than 1 acre.

- R12-90** **Action:** Adopt Resolution R12-90, taking actions necessary to approve General Plan Amendment 12-004, including approving Addendum 12-01 to the Mono County General Plan EIR.

Bauer moved; Hunt seconded

Vote: 3 yes; 2 no: Hazard and Johnston

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Brent Calloway:

Powerpoint:

- General Plan Amendment 12-04.
- Transient Rental Overlay Districts: A Planning Tool.
- Establishment of District.
- Procedure of creating new district.
- Map example.
- Shape: contiguous, compact, orderly. Support and Opposition.
- List of regulations including avalanche regulations. (Nick Criss to discuss)
- Accessory Dwelling Units.
- CEQA – Addendum to General Plan EIR.
- Recommendation: Adopt GP amendment and Addendum to GP EIR.

Nick Criss:

Single Family Transient Rental Regulations:

- Went over list.
- Could set up “sting” operations to deal with violators. This is a deterrent mechanism; there has to be somebody to respond.

Supervisor Johnston:

- Does this give more basis to do more effective enforcement? (Nick Criss: yes, won't be a per day violation, it's a onetime citation of \$1000, second violation is \$2000.)
- Have you asked other jurisdictions that are doing this? (Nick: he hasn't personally talked to other jurisdictions that are doing this.)
- Asked Brent what process is at counter to make complaint.

Scott Burns:

- Explained largest costs.
- This is easy from staff point of view. It gives Nick more enforcement. It's not affecting anyone right now.

Stacey Simon:

- The redline did not show up in Novus; she has provided the board with a better copy.
- Draft might need to be changed.

Supervisor Hazard:

- Two kinds of enforcement: the renters and also the rentees.
- Property manager has no authority to evict.

Supervisor Bauer:

- This will be better than what we have now.

Public Hearing Open: 3:21 p.m.

Dave Ragland:

- Has a cabin built by his family.
- He would like to hold on to it, but may have to dump it.
- He thinks that the enforcement will allow property managers to be more effective and ready.
- Asks Board to be generous with definition of “ready”.
- Supervisor Hansen: He had received emails; didn't sense negative reaction to this idea.

Fred Stump:

- County is limited to four general Plan Amendments per year correct?
- He's supportive of 640 sq. feet as recommended. He agrees with Supervisors

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Hazard and Johnston regarding the 1400 sq. foot issue.

Scott Burns:

- Explained General Plan amendment amounts allowed per year.
- Kick everything to use permit?

Public Hearing Closed: 3:31 p.m.

Stacey Simon:

- Only applies in Transient Overlay districts.
- Enforcement provisions applies county wide.
- Discussed suggested changes.

Tim Fesko:

- Trying to put into context.
- Going from director's review to a use permit just makes it more convoluted and more expensive.

BOARD OF SUPERVISORS

Additional Departments: CAO/HR,

18a) Marshall Rudolph employment agreement (Jim Arkens) - Proposed Resolution approving an employment agreement with Marshall Rudolph and prescribing the compensation, appointment, and conditions of said employment.

R12-91 **Action:** Adopt proposed Resolution R12-91, approving an employment agreement with Marshall Rudolph and prescribing the compensation, appointment, and conditions of said employment.

Hazard moved; Hunt seconded

Vote: 4 yes; 1 no: Johnston

Jim Arkens:

- Status Quo contract; up for renewal.
- Marshall has done a fantastic job; explained negotiations.

Supervisor Bauer:

- Thanked Marshall for all his work.
- Employee morale is hurt by taking something away from employees that are used to having it. It's hard for people to not "take it personally".

Supervisor Johnston:

- Thanked Marshall.
- He has a problem with the large car allowance included in contract so he can't support it.
- He isn't going to change his position; he's going to remain consistent.
- He's glad new employees don't have these allowances.
- It's incorrect to say he doesn't support employees.

COUNTY COUNSEL

19a) Claim For Damages by Inland Aquaculture Group (Marshall Rudolph) - Claim for damages presented on November 2, 2012, by Inland Aquaculture Group, LLC (County Claim No. C112-13) and any amendments thereto.

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- M12-273** **Action:** Reject claim for damages presented by Inland Aquaculture Group, LLC (as amended) in its entirety to the extent it refers to events or occurrences on or after May 2, 2012, and direct county counsel to notify claimant of the Board's action. Take no action and direct county counsel to return said claim to the claimant to the extent it refers to events or occurrences prior to May 2, 2012, because it was not presented within the time required by law.

Hazard move; Hunt seconded

Vote: 5 yes; 0 no

Marshall Rudolph:

- As discussed in Closed Session today, we received this claim on November 2, 2012, later amended December 3, 2012.
- Time for Board to react to amended claim.
- Read recommended action for board to consider.

PUBLIC WORKS - FACILITIES DIVISION

- 20a) Old Sheriff's Sub-Station Property (Joe Blanchard) - Review of estimates for sub-station remodel.

Action: None. Defer to after the New Year.

Supervisor Johnston:

- He suggested we postpone this; he has not had enough time to review it.
- Maybe one week or more?
- Mr. Ouimet is a Marine veteran; if we honor vets this is a way to do it. Mr. Ouimet is not asking for a hand out, he's asking for a hand.

Supervisor Hunt:

- Take it to the next board, sometime after the New Year.

Supervisor Hazard:

- Concerned about a Supervisor advising someone not to come for an agenda item.

Supervisor Hansen:

- Morphed from some small amount of work to a huge dollar figure.
- He feels it should come back later for future discussion.

Rita Sherman:

- There is a cost to have staff do it no matter when it's done.

INFORMATION TECHNOLOGY

Additional Departments: Community Development

- 21a) Digital 395 - Last Mile Provider Plan (Nate Greenberg) - Provide an update to the Board regarding the development of the Digital 395 Last Mile Provider Plan. Report on the outcome of public outreach performed at RPAC meetings, discuss outstanding items, and final steps for creation and adoption of the plan.

Action: None.

Nate Greenberg, IT/GIS: PowerPoint presentation reviewed progress and next steps.

- This is a complex issue and, therefore, a work in progress.

Note

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- Now have substantial information to work with providers and answer questions.
- Draft Policy Development includes draft language for broadband deployment section for new General Plan Telecommunications chapter.
- Met with the RPACs to provide general information, discuss impact/influence of project in communities, and receive feedback:
 - Residents are excited about the service and want better service than they have now.
 - They are willing to pay a little more for better service.
 - Reviewed service vs. distribution method; overhead vs. underground lines.
 - Communities want the best service possible, as quickly as possible.
 - Prefer wireline over wireless.
 - Co-location of facilities is important.
 - Visual impact of overhead lines is important, but not as much as having service.
 - Board: Reliability of service is important; there are questions about who would pay for a higher standard.
- Reviewed information about the Technical Advisory Committee.
- Recommendations from Technical Advisory Committee:
 - When feasible, install open-access conduit in County roads during construction projects.
 - Ron Day: Praxis engineers may be able to design the installation projects.
 - Board consensus about designing projects in Bridgeport and Lee Vining.
 - Incentivize providers by waiving taxes/fees for 3 years.
 - Board consensus about waiving fees.
 - Encourage providers not to “cherry-pick” communities by offering a reduced tax for projects meeting certain criteria.
 - Level the playing field for all service providers by making all ISPs subject to the same set of taxes.
- Next steps: 1) Finalize language for Telcom chapter of General Plan. 2) Outreach policies to public via RPACs. 3) Compile consumer targeted White Paper—“How Digital 395 will Benefit You”. 4) Further dissemination of provider-focused information. 5) Work with other agencies on telco policies. 6) Work with providers to develop projects for CASF Round 2 (February). 7) Catalog existing and develop new GIS datasets that inventory utilities and infrastructure.

Follow-up Comments

- Greenberg: 1) Providers are interested in working with the County. 2) BLM issued a stop-work notice on Casa Diablo Road; will be attending a meeting tomorrow to discuss and resolve the issue.

ADJOURN: 5:13 p.m.

ATTEST:

BYNG HUNT
VICE-CHAIR

Note

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SHANNON KENDALL
SR. DEPUTY CLERK OF THE BOARD

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